IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5678 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SANGITA GANESH VAGH & 7 - Petitioner(s)
Versus
STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :
MR AJ SHASTRI for Petitioner(s) : 1 - 8.
GOVERNMENT PLEADER for Respondent(s) : 1 - 2.
MR PRASHANT G DESAI for Respondent(s) : 3 - 5.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 14/03/2007

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India the respective petitioners have

prayed for an appropriate order directing the respondents-authorities to appoint them to the post of Primary Teachers (Marathi Medium) available with the respondents-authorities as posts are vacant and restrain the respondent-authorities from in any manner cancelling the Select List as already prepared.

2. It is required to be noted that the petitioners are claiming the rights on the basis of the Waiting List prepared before 1997. Thereafter, the policy of the State Government was changed and the post of Primary Teachers was required to be filled in by Balgurus for which, the applications were invited by giving advertisement dated 5th June 1997. That thereafter even, the said scheme of Balgurus has been discontinued and the appointments to the post of Primary Teachers are to be made as Vidhya Sahayaks/Shikshan Sahayaks.

3. Under the circumstances, by afflux of time, the present petition becomes infructuous. Even otherwise, by continuing their names in the Waiting List, no

rights are conferred in favour of the petitioners. Even otherwise, as per the respondents-authorities, validity of the Select List is only for the period of one year. In that case even, the prayer of the petitioners to continue they names in the Select List and/or retraining the respondents-authorities from discontinuing the Select List cannot be granted.

4. For above reasons, the present petition is dismissed. Rule is discharged. No costs.

[M.R. SHAH, J.]

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